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EXAMINER

HINZE, LEO T

ART UNIT PAPER NUMBER

2854

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,622

Applicant(s)

KANAYAMA, TOMOYA

Examiner

Leo T. Hinze

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on papers filed 28 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 2-7,9-11,13,14,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cappel, US 4,419,932.

Regarding claim 9, Cappel teaches an ink fountain apparatus for a rotary printing press (Fig. 1), comprising a rotatably supported ink fountain roller (13, Fig. 1), said ink fountain apparatus comprised of a bottom plate (12, Fig. 1) arranged at a position close to said ink fountain roller and a pair of ink dams ("ink fountain", col. 1, line 4) arranged substantially perpendicular to said bottom plate and opposing each other in a widthwise direction of said bottom plate, and an intermediate ink dam (20, Fig. 1) arranged between said pair of ink dams, said apparatus comprising: a press member (27, Fig. 1) which is movably supported, wherein the press member moves in one direction to contact an engaging surface (30, Fig. 1) of said intermediate ink dam to press said intermediate ink dam, and moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam, and wherein the engaging surface of said intermediate ink dam includes an incline plane (30, Fig. 1) where an angle formed between an extension line thereof and said bottom plate is an

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acute angle, thereby oppressing said intermediate ink dam toward an outer surface of said ink fountain roller (52, Fig. 1) and toward said bottom plate (51, Fig. 1) by a pressing pressure of said press member (50, Fig. 1).

Regarding claim 10, Cappel also teaches a holder for supporting said intermediate ink dam to be movable in a direction to become close to and away from said ink fountain roller, and an operating portion formed integrally with said press member and adapted to release a distal end of said press member from the engaging surface against a biasing force. The clamping dog (27, Fig. 1) is movable ("arc of swing 32 of the clamping dog", col. 3, lines 17-18) away from the engaging surface (30, Fig. 1), and the intermediate ink dam (20, Fig. 1) is movable ("movable partition 20", col. 2, line 24) toward and away from the ink fountain roller.

Regarding claim 11, Cappel also teaches a support bar (2, Fig. 1) extending in an axial direction of said ink fountain roller; and a holder (26, Fig. 1) having a recess which is fitted into the support bar (Fig. 1), thereby allowing the intermediate ink dam to move in the direction of the axis of the ink fountain roller keeping the pressing force against said fountain roller of the intermediate ink dam and bottom plate ("base 26 securable in a selected longitudinal position along the frame 10", col. 2, lines 28-30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5, 7, 9, 13-14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green, US 2,301,535 in view of Cappel, US 4,419,932.

Green teaches a fountain divider, including:

- wherein said first member (22, Fig. 2) is made of a wear-resistant elastic ("rubber", line 54) material (claim 2);
- wherein said first member (22, Fig. 2) is a plate-like member arranged in a direction perpendicular to the axial direction of said ink fountain roller and with one end faces that press the outer surface of said ink fountain roller and said bottom plate, said third member (18, 20, 28, 26, 30, 32, 42, Fig. 2) is a plate-like member arranged in a direction perpendicular to the axial direction of said ink fountain roller and with one end face that presses said second member by press operation of said press means, and said second member (46, 48, 50, Fig. 2) is a thin plate-like member arranged between the other end face of said first member and one end face of said third member (claim 3);
- wherein said adjustment tool (38, Fig. 2) adjusts said first member substantially in a direction toward a position where the outer surface of said ink fountain roller and said bottom plate oppose each other (claim 5);
- an ink fountain apparatus for a rotary printing press, comprising a rotatably supported ink fountain roller (10, Fig. 1), said ink fountain apparatus comprised of a bottom plate (12, Fig. 1) arranged at a position close to said ink fountain roller and a

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pair of ink dams ("ink fountain", line 2) arranged substantially perpendicular to said bottom plate and opposing each other in a widthwise direction of said bottom plate, and an intermediate ink dam (Fig. 1) arranged between said pair of ink dams (claim 9);

- wherein said adjustment tool comprises a first adjustment bolt (38, Fig. 2) moving substantially in a direction toward a position where the outer surface of the ink fountain roller and said bottom plate are opposed to each other (claim 13);
- wherein said adjustment tool further comprises a second adjustment bolt moving in a direction toward the periphery of said ink fountain roller (40, Fig. 2) and a third adjustment bolt moving in a direction toward said bottom plate (36, Fig. 2) (claim 14);
- an adjustment tool (38, Fig. 2) for adjusting a tight contact state of said intermediate ink dam with respect to at least one of the outer surfaces of said ink fountain roller and said bottom plate, and wherein the intermediate ink dam comprises: a first member (22, Fig. 2) in contact opposite to an outer surface of the ink fountain roller and the bottom plate; a second member (46, 48, 50, Fig. 2) in contact opposite to the first member; and a third member (18, 20, 28, 26, 30, 32, 42, Fig. 2) in contact opposite to the second member, wherein the engaging surface (24, Fig. 2) is formed in the third member, and wherein the adjustment tool is provided on the third member to adjust a tight contact state of the first member through the second member (claim 17);
- a surface of said first member (22, Fig. 2) which contacts said second member and includes a plane which is substantially parallel to said bottom plate and an upright plane (Fig. 2), said second member being bent and in close contact with parallel plane and

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upright plane, and wherein said adjustment tool comprises: a first adjustment bolt (38, Fig. 2) which adjusts a tight contact state of said first member with respect to the outer surface of said ink fountain roller and said bottom plate by pressing in the vicinity of the bent section of said second member; a second adjustment bolt (40, Fig. 2) which adjusts a tight contact state of said first member with respect to the outer surface of said ink fountain roller by pressing the parallel plane of said first member through said second member; and a third adjustment bolt (36, Fig. 2) which adjusts a tight contact state of said first member with respect to said bottom plate by pressing the parallel plane of said first member through said second member (claim 18).

Green does not teach:

- wherein said third member has an engaging surface formed of a slant surface, and said press means comprises an operation rod biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface (claim 7);
- a press member which is movably supported, wherein the press member moves in one direction to contact an engaging surface of said intermediate ink dam to press said intermediate ink dam, and moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam, and wherein the engaging surface of said intermediate ink dam includes an incline plane where an angle formed between an extension line thereof and said bottom plate is an acute angle, thereby oppressing said intermediate ink dam toward an outer surface of

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said ink fountain roller and toward said bottom plate by a pressing pressure of said press member (claim 9).

Cappel teaches:

- an engaging surface formed of a slant surface (30, Fig. 1), and said press means comprises an operation rod (27, Fig. 1) biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface (claim 7);
- an ink fountain apparatus for a rotary printing press (Fig. 1), comprising a rotatably supported ink fountain roller (13, Fig. 1), said ink fountain apparatus comprised of a bottom plate (12, Fig. 1) arranged at a position close to said ink fountain roller and a pair of ink dams ("ink fountain", col. 1, line 4) arranged substantially perpendicular to said bottom plate and opposing each other in a widthwise direction of said bottom plate, and an intermediate ink dam (20, Fig. 1) arranged between said pair of ink dams, said apparatus comprising: a press member (27, Fig. 1) which is movably supported, wherein the press member moves in one direction to contact an engaging surface (30, Fig. 1) of said intermediate ink dam to press said intermediate ink dam, and moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam, and wherein the engaging surface of said intermediate ink dam includes an incline plane (30, Fig. 1) where an angle formed between an extension line thereof and said bottom plate is an acute angle, thereby oppressing said intermediate ink dam toward an outer surface of said ink fountain roller (52, Fig. 1) and toward said bottom plate (51, Fig. 1) by a pressing pressure of said

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press member (50, Fig. 1). Cappel teaches that such a pressing arrangement is advantageous for providing a separator for an ink fountain which is portable and which is quick and simple to secure in position (col. 1, lines 42-44) (claim 9).

Regarding claims 9 and 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Green to replace the angle bracket with the pressing system of Cappel, including a movable press member and a slanted engaging surface, because Cappel teaches that such a press member and engaging surface are advantageous for providing a separator for an ink fountain which is portable and which is quick and simple to secure in position.

Regarding claims 2-3, 5, 13-14, and 17-18, the combination of Green and Cappel teaches all that is claimed as discussed above.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Cappel as applied to claim 3 above, and further in view of Flinker, US 1,953,105.

The combination of Green and Cappel teaches all that is claimed as discussed in the rejection of claim 3 above, including thin plate members serving as said second member (46, 48, 50, Fig. 2, Green). The second members are clearly shown as thin members in Fig. 2 of Green, and are used to evenly distribute pressure from the adjustment tool evenly (lines 24-28) on the third member (22, Fig. 2, Green). Green is silent on the exact material of construction of the thin plates.

The combination of Green and Cappel does not teach wherein the thin plate member serving as said second member is made of a thin steel plate with spring properties.

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Flinker teaches a fountain divider for a printing press including a resilient strip (17, Fig. 1) made of thin steel plate with spring properties (lines 100-101), which is used to distribute pressure along a relatively soft elastic body which forms a seal against a roller (lines 72-77).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Green to make the second member from thin steel plate with spring properties, because Flinker teaches that such a plate is advantageous for distributing pressure evenly along a relatively soft elastic body.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Cappel as applied to claim 17 above, and further in view of Miyoshi, US 5,894,798.

The combination of Green and Cappel teaches all that is claimed as discussed in the rejection of claim 17 above, except an ink fountain key supported by a lower surface of the bottom plate and with a distal end projecting toward said ink fountain roller closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member and in contact with an upper face of the projecting distal end of said fountain key.

Miyoshi teaches an ink fountain apparatus for a rotary printing press, further comprising an ink fountain key (5) supported by a lower surface of the bottom plate (7) and with a distal end projecting toward said ink fountain roller (2) closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member (14) and in contact with an upper face of the projecting distal end of said fountain key (Figs. 1 and 3). Miyoshi teaches that this configuration is advantageous for an ink fountain divider which can establish firm contact with an ink fountain arrangement (col. 6, lines 17-20).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Green to have an ink fountain key supported by a lower surface of the bottom plate and with a distal end projecting toward said ink fountain roller closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member and in contact with an upper face of the projecting distal end of said fountain key, because Miyoshi teaches that this arrangement is advantageous for an ink fountain divider which can establish firm contact with an ink fountain arrangement.

Response to Arguments

7. Applicant's arguments with respect to claims 2-7, 9-11, and 13-14 and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 15 and 16 are allowed.

9. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.

Leo T. Hinze
Patent Examiner
AU 2854
2 January 2004



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